

in five pages or less. I don't disagree with the history Senator KENNEDY went through, with his powerful declaration, in that this is a critical issue that we must deal with, and I don't disagree with the fact that we have to have some serious pressure built here in the U.S. Congress to get this over the finish line.

That being said, I think we just got this language last night, and what Senator KENNEDY is asking us to do today is to bypass the committee and go immediately to the floor with his language. There are several reasons I am going to have to, ultimately, object to that.

The first is that he is correct. I and a number of my colleagues who would be here if I were not standing here have a real problem with the solution, the mechanism, that Senator KENNEDY has chosen—just outright price-fixing. Senator KENNEDY doesn't even try to deny that. It goes beyond imposing government regulatory price controls in government-run programs by going through the private market as well. That is a solution mechanism that I have opposed and many of my colleagues oppose in terms of dealing with this issue. That is one of the key reasons for my objection.

The other one, though, is that the Committee on Finance, of which I am the ranking member, is working on this. I know that this is not an answer, because the Committee on Finance has been working on this now for a year or 2 or more, but there is work underway in a number of different arenas to try to get a handle on how to solve this without having to take the drastic step of just having the government come in and take control over the private sector market.

I will just point to, for example, what happened under the Trump administration in just the last couple of years. Through the Trump administration's effort to try to deal with this, a demonstration project has been operating under Medicare Part D in which the effort was to try to get the monthly cost of insulin down to \$35 a month, and they have had some success in that program to demonstrate how it can be accomplished.

Now, look. I get that Medicare Part D is different than private sector insurance and that it is different than Medicaid and that it is different than other pieces of our healthcare system; it is also different than CHIP, but in one sector, a pretty significant sector, we have some solutions that are starting to show real potential.

In addition, as Senator KENNEDY knows, I drafted legislation in the last Congress and am working on that legislation in this Congress that will deal not just with insulin but with many different other pieces of drug pricing in our system.

I can tell you that Senator WYDEN himself, my counterpart on the Democratic side on the Finance Committee, has been working on his own ideas, and

he and I have been working hard to prioritize this to get to a solution in the committee. I know, as I talked to Senator WYDEN just before I came to the floor, that Senator WYDEN and I both welcome the opportunity to work with Senator KENNEDY as we try to put together that bipartisan solution.

I know that there would be other Senators on the other side of this issue who would stand here if I were not today and say they don't like this solution because they want it to go further in the other direction. They want to see a complete government takeover of the entire market and move to a single-payer system, that single payer being the government. That is another thing that some on my side have been working hard not to have happen.

There is a lot of political controversy over what the mechanism must be, and that is the primary reason I want this to be able to be worked on in the committee, in the proper way that we manage legislation in the Senate. I commit to Senator KENNEDY that he can be as engaged as he wants to be with us in that as we move forward, but it is not the time right now to come and bypass that whole process.

I think Senator KENNEDY would probably make a very powerful rejoinder that we have heard that we are working on it a lot and we need to now get to the point where we put solutions here on the floor for the entire Senate to consider, but today is not the day to do it by a unanimous consent request, and for that purpose I do object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, my colleague, the Senator from Idaho, knows how much I respect him, and I certainly appreciate the invitation to work with him and his committee, and I intend to do that.

And I know that the Senator didn't say this, but I don't believe in government-run healthcare. But we have a discrete problem here and a very unique situation that can be addressed. This is not a biologic, as I said earlier, that costs hundreds of millions of dollars to develop. This is insulin, and a lot of Americans need it or they will die.

There is a monopoly, and there are efforts that have been made to maintain that monopoly, and my people in Louisiana—I know the people in Idaho—many of them feel the same way, and that is why they applaud Senator CRAPO's efforts, but they are hurting.

You can die without insulin. You can die. And it costs 10 bucks a vial to make, and it has been around 100 years, and now it costs 375 bucks. And all you have to do is walk across the border into Canada, and you can buy it for 50 bucks.

The market is being manipulated. I know it is complicated, and I understand politics. I have been around it a good portion of my life, but this is an

issue where we need to stop—we need to stop—talking about it, strutting around, issuing press releases, holding hearings, and doing nothing.

I don't want to price fix. I don't. It makes me real uncomfortable to be proposing this, but I don't know what else to do. There comes a point where patience—where patience—ceases to be a virtue.

And here is what I know. I mean, the bill has been objected to, and I appreciate it. You pass a bill like this or a similar bill like this; you are going to see a solution pretty fast. You are going to see a solution real fast. You are going to see some—this opaque market react with new energy. They are going to be running around like hounds from hell, trying to keep this from becoming the law, and that is why we need to hit this head-on.

But with that, I thank the President for his attention, and I thank my colleague for his eloquent remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COVID-19 HATE CRIMES ACT

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired, and the motion is agreed to.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 937) to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

EXECUTIVE SESSION—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to executive session, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. MARSHALL), the Senator from Kansas (Mr. MORAN), the Senator from Ohio (Mr. PORTMAN), the Senator from South Dakota (Mr. ROUNDS), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Kansas (Mr. MARSHALL) would have voted "no."

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—49

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

NAYS—45

Barrasso	Ernst	Murkowski
Blackburn	Fischer	Paul
Blunt	Graham	Risch
Boozman	Grassley	Romney
Braun	Hagerty	Rubio
Burr	Hawley	Sasse
Capito	Hoeven	Scott (FL)
Cassidy	Hyde-Smith	Scott (SC)
Collins	Inhofe	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Cramer	Lankford	Toomey
Crapo	Lee	Tuberville
Cruz	Lummis	Wicker
Daines	McConnell	Young

NOT VOTING—6

Marshall	Portman	Sanders
Moran	Rounds	Tillis

The motion was agreed to.

The PRESIDING OFFICER (Mr. SCHATZ). The majority leader.

EXECUTIVE SESSION

MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Judiciary Committee being tied on the question of reporting, I move to discharge the Senate Judiciary Committee from further consideration of the nomination of Vanita Gupta, of Virginia, to be Associate Attorney General.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders, or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I would like to ask the Chair for clarification. It is my understanding there is 4 hours of debate, evenly divided between the Democrats and Republicans, on the discharge petition.

The PRESIDING OFFICER. Yes, between the leaders or their designees.

Mr. DURBIN. And either side can yield back; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Thank you.

Mr. President, let me be the first to rise today on our side and say that I am in strong support of the nomination of Vanita Gupta to be the Associate Attorney General.

The Justice Department has not had a Senate-confirmed Associate Attorney General in over 3 years because President Trump never put forward a nominee. The No. 3 position in the Department of Justice has been virtually vacant of a Senate-confirmed nominee for 3 years.

That position, by definition, oversees the Department's civil litigation components. This is no small deal. It is a big deal. The Department of Justice needs and deserves to have full leadership in place.

Vanita Gupta will be the first woman of color and the very first civil rights attorney to serve as Associate Attorney General. This historic nominee is also exceptionally well qualified. She is a veteran of the Justice Department. She has a proven record of working across political and ideological lines to uphold the rule of law in a nonpartisan fashion. I don't believe President Biden could have picked a better nominee.

Vanita Gupta first joined the Justice Department shortly after the shooting death of Michael Brown by a police officer in Ferguson, MO. I remember it. I am sure many of my colleagues do as well. It was a difficult moment for many. As the head of the Department's Civil Rights Division, Ms. Gupta worked closely with all of the stakeholders involved in police reform: community leaders, civil rights leaders, and law enforcement.

Not only did Ms. Gupta implement meaningful reforms in Ferguson, MO, and other cities, but she did so by helping to repair the relationship between law enforcement and the communities they serve. Can you think of a better qualification at this moment in time in our history?

Sadly, in recent days, our Nation has been rocked by controversial police shootings. Vanita Gupta is exactly the type of person we need at the Justice Department at this very moment. One strong piece of evidence is the incredibly broad range of support her nomination has received. When you say the words "civil rights lawyer," you say, "Oh, way off on the left. I will bet she is out of touch with reality."

Not so. It is not just the civil rights groups that support her. Her nomination has the support of virtually every major law enforcement organization in the country. I want to repeat that because in the ensuing several hours, when we will discuss the discharge of her nomination, there will be assertions made which do not acknowledge the obvious.

Vanita Gupta has the support of virtually every major law enforcement organization in the country, including the Fraternal Order of Police, the National Sheriffs' Association, the Major Cities Chiefs Association, and the International Association of Chiefs of Police, just to name a few.

I can read numerous quotes from law enforcement groups praising Ms. Gupta. I am going to read one. In a letter to the Senate, David Mahoney,

President of the National Sheriffs' Association, said:

"I strongly believe that Ms. Gupta is exactly the type of leader who is needed in the Justice Department today. She possesses immense credibility among law enforcement leaders and community leaders."

Immense credibility, with both law enforcement and community leaders. Isn't that exactly the type of person we need in the Department of Justice at this moment in history?

It comes as no surprise when you look back on her background. Throughout her career, Ms. Gupta has worked across the partisan divide, forming broad coalitions to get things done when people said it was impossible. A great example of this is criminal justice reform. Over a number of years, Vanita Gupta partnered with numerous conservatives—certifiable, reported conservatives. Let me give you a couple names: Grover Norquist; Mark Holden, the former general counsel of Koch Industries.

These efforts helped lay the groundwork for the passage of the FIRST STEP Act, a bill which I worked on with Senator GRASSLEY, Senator LEE, Senator WHITEHOUSE, Senator CORNYN, a number of Democrats, CORY BOOKER included. We put together a bipartisan bill, signed into law by the President of the United States.

Vanita Gupta was part of that effort. She knew how to put Republicans and Democrats at the table and come up with a reasonable compromise. Isn't that exactly what we need at this moment in history?

The Judiciary Committee has received so many letters from Republicans supporting Ms. Gupta's nomination that I only have time to scratch the surface. Former Republican Congressman Tom Coleman, whom I served with in the House, put it very well. He represented Missouri's Sixth Congressional District for 16 years. He understood the challenge of Ferguson, and he understands the record of Vanita Gupta. Here is what he wrote: "Ms. Gupta is a person who seeks the common good, without concern for partisan gamesmanship."

He added: "I urge you, my former colleagues, to recognize the truth with respect to Vanita Gupta: She is an ideal public servant. She possesses wisdom and an ability to work across partisan lines."

Ms. Gupta has spent her career fighting to uphold the rule of law, almost always on behalf of those who had little power or little money. In her previous tenure at the Justice Department, Vanita Gupta undertook critically important work. In addition to police reform, she led efforts to prosecute human trafficking, combat religious discrimination, and protect the rights of servicemembers to ensure that they didn't have to be worried about being taken advantage of financially while they were protecting our Nation.